

leading, because it conveyed the impression that the pills contained 1/20 grain of morphin sulphate, whereas, in truth and in fact, they each contained a much less amount of morphin sulphate.

On October 21, 1913, the defendant company entered a plea of guilty to the information and the court imposed a fine of \$10, with costs of \$12.95. While it was alleged in the information that the product contained from 0.0048 to 0.0051 grain of morphin sulphate, it will be noted that analysis showed that 5 pills of the product contained 0.0048 to 0.0051 gram of morphin sulphate.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

3047. Adulteration and misbranding of lemon soda water flavor. U. S. v. 10 Gallons of Lemon Soda Water Flavor. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 5078. S. No. 1702.)

On March 3, 1913, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the district court of the United States for said district a libel for the seizure and condemnation of one wooden keg of lemon soda water flavor remaining unsold in the original unbroken package, in possession of the Elgin Bottling Works, Elgin, Ill., alleging that the product had been shipped on July 1, 1912, by De Lisser & Co., New York, N. Y., and transported from the State of New York into the State of Illinois, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "De Lisser's Soda Water Flavor 1 oz. Lemon for Lemon Soda Add to each Gallon of Syrup 1 oz. Lemon 1 oz. Citric Acid $\frac{1}{2}$ oz. Foam Guaranteed by DeLisser & Co Manufacturing Chemists 455-457 West 26th St. New York under the Food & Drugs Act, June 30, 1906, Serial No. 923."

Adulteration of the product was alleged in the libel for the reason that a certain substance, to wit, a dilute solution of alcohol, had been mixed with the article of food so as to reduce and lower and injuriously affect its quality and strength, and for the further reason that a certain substance, to wit, a dilute solution of alcohol, had been substituted in part for the article of food. Misbranding was alleged for the reason that the product bore a label in the words and figures set forth above, which said statement contained in the label was an imitation of and said article of food so labeled as aforesaid was offered for sale under the distinctive name of another article; that is to say, the article was labeled in imitation of and offered for sale under the distinctive name of lemon extract, whereas, in truth and in fact, it was not flavoring extract prepared from oil of lemon or from lemon peel, or both, and containing not less than 5 per cent by volume of oil of lemon, but was a dilute solution of alcohol containing less than one-tenth of 1 per cent of oil of lemon. Misbranding was alleged for the further reason that the product was labeled so as to deceive and mislead the purchaser into the belief that it was a lemon extract under the Food and Drugs Act of June 30, 1906, whereas, in truth and in fact, it was not lemon extract under said act, but was a dilute solution of alcohol containing less than one-tenth of 1 per cent of oil of lemon. Misbranding was alleged for the further reason that the statement on the label set forth above was false and misleading, in that the label aforesaid purported to state that the article of food was lemon extract for flavoring soda water, whereas, in truth and in fact, it was not lemon extract, but was a dilute solution of alcohol containing less than one-tenth of 1 per cent of oil of lemon.

On May 5, 1913, the claimants, George W. De Lisser and Henry C. Murphy, doing business as De Lisser & Co., New York, N. Y., having filed their answer admitting all material allegations in the libel, and the court having read and considered the same, and having heard the arguments of counsel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal. It appearing, however, that the product could

be relabeled and remarked and sold again not in violation of the law, it was therefore ordered that the marshal be directed to surrender and to deliver to the claimants the product upon payment of the costs of proceedings and the execution of bond in conformity with the act, one of the conditions of the bond being that the product should be relabeled "Terpeneless Lemon Flavor, $\frac{1}{3}$ Standard Strength."

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

3048. Adulteration of tomato conserve. U. S. v. 170 Cases of Tomato Conserve. Default decree of condemnation, forfeiture, and destruction. (F. & D. Nos. 5083, 5084. S. No. 1717.)

On or about March 8, 1913, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the said district a libel for the seizure and condemnation of 170 cases of tomato conserve remaining unsold in the original unbroken packages at San Francisco, Cal., alleging that 70 cases of the product had been shipped on or about December 9, 1912, and 100 cases on or about January 3, 1913, from Philadelphia, Pa., and transported from the State of Pennsylvania into the State of California, and charging adulteration, in violation of the Food and Drugs Act. The product was labeled: "Tomato Conserve—Conserva di Tomate Rossa—Flag Brand—Packed according to Pure Food Law—Packed by Coroneos Brothers, Philadelphia, Pa. Directions—Flavors the meat and gives a nice color."

Adulteration of the product was alleged in the libel for the reason that it was filthy and decomposed and that filthy particles were abundant.

On July 22, 1913, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

B. T. GALLOWAY, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., April 14, 1914.

3049. Adulteration and misbranding of diarrhea calomel pills. U. S. v. William A. Webster Co. Plea of guilty. Fine, \$10 and costs. (F. & D. No. 5086. I. S. No. 14858-d.)

On September 3, 1913, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the William A. Webster Co., a corporation, Memphis, Tenn., alleging shipment by said company, in violation of the Food and Drugs Act, on December 13, 1911, from the State of Tennessee into the State of Mississippi, of a quantity of diarrhea calomel pills which were adulterated and misbranded. The product was labeled: "500 Diarrhoea Calomel $\frac{1}{8}$ gr.: Morphine Sulph. $\frac{1}{16}$ gr.; Capsicum $\frac{1}{16}$ gr.; Ipecac powder $\frac{1}{32}$ gr.; Camphor $\frac{1}{16}$ gr. Guaranteed by the Wm. A. Webster Co. under the Food and Drugs Act of June 30, 1906. The Wm. A. Webster Co., Pharmaceutical Manufacturers, Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following result: Morphin sulphate per tablet, $\frac{1}{20}$ grain.

Adulteration of the product was alleged in the information for the reason that its strength fell below the professed standard under which it was sold; that is to say, the article purported to contain morphin sulphate $\frac{1}{16}$ grain to each pill, whereas, in truth and in fact, it contained a much less amount of said ingredient. Misbranding was alleged for the reason that the statement "Morphine Sulphate $\frac{1}{16}$ gr." borne on the label was false and misleading, because it conveyed and tended to convey the impression that the pills contained $\frac{1}{16}$ grain of morphin sulphate in each, when, as a matter of fact, they each contained a much less amount of said ingredient; and said product was further misbranded in that the package containing it failed to bear a statement on the label of the quantity or proportion of morphin contained therein